

school that is being developed by a developer, that—

“(A) has made adequate yearly progress for the last 2 consecutive school years; and

“(B) in the case of a public charter school that is a secondary school, has, for the most recent school year for which data is available, met or exceeded the graduation rate required by the State in order to make adequate yearly progress for such year.

“(6) IDENTIFIED SCHOOL.—The term ‘identified school’ means a school identified for school improvement, corrective action, or restructuring under paragraph (1), (7), or (8) of section 1116(b).

“(7) LOCAL EDUCATIONAL AGENCY.—The term ‘local educational agency’ includes any charter school that is a local educational agency, as determined by State law.

“(8) LOW-INCOME STUDENT.—The term ‘low-income student’ means a student eligible for free or reduced price lunches under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

“(9) GRADUATION RATE.—The term ‘graduation rate’ has the meaning given the term in section 1111(b)(2)(C)(vi), as clarified in section 200.19(b)(1) of title 34, Code of Federal Regulations.

“(10) SCHOOL YEAR.—The term ‘school year’ has the meaning given such term in section 12(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(d)).

“(11) TRADITIONAL PUBLIC SCHOOL.—The term ‘traditional public school’ does not include any charter school, as defined in section 5211.”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Part B of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7221 et seq.) is amended—

(1) by striking section 5231; and

(2) by inserting before subpart 1 the following:

“SEC. 5200. AUTHORIZATION OF APPROPRIATIONS FOR SUBPARTS 1 AND 2.

“(a) IN GENERAL.—There are authorized to be appropriated to carry out subparts 1 and 2, \$700,000,000 for fiscal year 2011 and such sums as may be necessary for each of the 5 succeeding fiscal years.

“(b) ALLOCATION.—In allocating funds appropriated under this section for any fiscal year, the Secretary shall consider—

“(1) the relative need among the programs carried out under sections 5202, 5205, 5210, and subpart 2; and

“(2) the quality of the applications submitted for such programs.”.

(c) CONFORMING AMENDMENTS.—The Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) is amended—

(1) in section 2102(2) (20 U.S.C. 6602(2)), by striking “5210” and inserting “5211”;

(2) in section 5204(e) (20 U.S.C. 7221c(e)), by striking “5210(1)” and inserting “5211(1)”;

(3) in section 5211(1) (as redesignated by subsection (a)(1)) (20 U.S.C. 7221i(1)), by striking “The term” and inserting “Except as otherwise provided, the term”;

(4) in section 5230(1) (20 U.S.C. 7223i(1)), by striking “5210” and inserting “5211”; and

(5) in section 5247(1) (20 U.S.C. 7225f(1)), by striking “5210” and inserting “5211”.

(d) TABLE OF CONTENTS.—The table of contents of the Elementary and Secondary Education Act of 1965 is amended—

(1) by inserting before the item relating to subpart 1 of part B of title V the following: “Sec. 5200. Authorization of appropriations for subparts 1 and 2.”;

(2) by striking the items relating to sections 5210 and 5211; and

(3) by inserting after the item relating to section 5209 the following:

“Sec. 5210. Charter school expansion and replication.

“Sec. 5211. Definitions.”.

By Ms. SNOWE (for herself, Mr. CARDIN, and Ms. LANDRIEU):

S. 3444. A bill to require small business training for contracting officers; to the Committee on Small Business and Entrepreneurship.

Ms. SNOWE. Mr. President, as Ranking Member of the Senate Committee on Small Business and Entrepreneurship, I rise today, during National Small business Week, along with my colleague Senator CARDIN, to introduce the Small Business Training in Federal Contracting Certification Act. This vital piece of legislation builds upon the Small Business Contracting Revitalization Act, S. 2989, which passed unanimously out of the Small Business Committee on March 4, and would require the development of small business training for contracting officials. The bill we introduce today would take an additional step by requiring contracting officials to successfully complete small business training prior to receiving certification in Federal contracting.

During these devastating economic times, with small business owners struggling to retain jobs, much less create new jobs, it is paramount that small businesses have a fair opportunity to contract with Federal Agencies, because the Federal Government is the largest buyer of goods and services in the world, spending over \$500 billion in fiscal year 2009 alone. I remain frankly dismayed by the myriad ways the Federal Government has time and again egregiously failed to meet its statutory, government-wide small business “goaling” requirements that 23 percent of all Federal procurement dollars must be allocated to small contracting firms. This legislation would help the Federal Government to meet—and even exceed—its 23 percent goal, because it would require investing time and training in contracting officials who make the ultimate determination on contract awards be trained in small business procurement issues.

Contracting officials have a great deal of responsibility. They provide the Federal government with expertise when buying goods and services to enable agencies to achieve their mission by fairly and reasonably obligating taxpayer dollars while simultaneously addressing our Nation’s socio-economic needs. I have heard from constituents and others in the contracting community that contracting officials do not understand their duty to provide opportunities to small businesses to the maximum extent practicable. So, it is imperative that we provide contracting officials the tools they need to bolster small business participation in Federal contracting—to include training on small business government contracting set-aside programs, understanding size standards and the North American Industry Classification System codes and how they apply to the contract award process, conducting market research, as well as all of the Small Business Administration’s resources and programs available to them.

Small businesses are the engine of our economy and in this time of eco-

nomic hardship, the Federal Government must provide our Nation’s entrepreneurs with every opportunity to succeed. Federal contracting can be an instrumental part of a larger strategy for broadening small businesses’ customer base and creating jobs. In my leadership capacity on the Senate Small Business Committee, I have long been a champion of removing barriers to small businesses seeking entry into the Federal marketplace. Through the years, I have introduced numerous bills that combat contract bundling, mandate recurrent small business size standard adjustments, ensure equal opportunity to compete for Federal contracts among the various socio-economic small businesses groups, and reduce fraud and abuse in SBA’s small business contracting programs.

The Federal Government’s inability to consistently meet all of its small business contracting goals is unjustifiable. Only one category of small business contracting goals—small disadvantaged businesses—has been met, while the goals for the three other programs—historically underutilized business zones, HUBZone, small businesses, women-owned small businesses, and service-disabled veteran-owned small businesses—has never been achieved. It is inconceivable as to why this remains a problem year after year, especially since contracts awarded using American Recovery and Reinvestment Act dollars have demonstrated that attainment of these goals is possible.

In conclusion, I believe that requiring certification training for Federal contracting officers will help the Government meet the statutory small business contracting goals and will increase small business access to Federal contracts.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3444

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Small Business Training in Federal Contracting Certification Act of 2010”.

SEC. 2. SMALL BUSINESS TRAINING.

Section 37(f)(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 433(f)) is amended—

(1) by striking “For each career path,” and inserting the following:

“(A) IN GENERAL.—For each career path,”; and

(2) by adding at the end the following:

“(B) CERTIFICATION PROGRAM.—

“(i) IN GENERAL.—The Administrator shall establish a certification program for acquisition personnel. The certification program shall be carried out through the Federal Acquisition Institute.

“(ii) SMALL BUSINESS TRAINING.—The certification program under this subparagraph shall include training regarding—